



MINUTES

CITY COUNCIL MEETING

JUNE 14, 2005

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:47 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR ADDLEMAN.

PLEDGE OF ALLEGIANCE

MAYOR ADDLEMAN led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

City Council Members Present: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

City Staff Present: City Manager Doug Prichard

City Attorney Stephen Pfahler

Assistant City Manager Sam Wise

Planning Director David Wahba

Community Services Director Andy Clark

CEREMONIAL ITEMS

NONE

ROUTINE MATTERS

A. CITY COUNCIL MINUTES OF MAY 24, 2005

COUNCILMAN ZERUNYAN requested a correction on Page 5, Paragraph 2 to read as follows:

*"COUNCILMAN ZERUNYAN wished to clarify that he-Mr. **Mueller** would be agreeable to an extension of the lease...."*

MAYOR PRO TEM ZUCKERMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE CITY COUNCIL MINUTES OF MAY 24, 2005 AS AMENDED.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

B. DEMANDS AND WARRANTS – MAY AND JUNEMAYOR PRO TEM ZUCKERMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE Warrants 37489 through 37549 in the amount of \$182,061.17; Supplemental Warrants 050105 through 050205; 37346 through 37354; 37399 through 37417; 37465 through 37473 in the amount

of \$189,289.24 for a grand total amount of \$371,350.41 with proper audit.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

CONSENT CALENDAR

MAYOR PRO TEM ZUCKERMAN pulled Item 6D. to be discussed under New Business.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE ITEMS A-C AND E.

A. READING OF ORDINANCES AND RESOLUTIONS

Reading in full of all ordinances and resolutions presented for consideration to the City Council will be waived and all such ordinances and resolutions will be read by title only.

B. APRIL 2005 SCHEDULE OF INVESTMENTS

RECEIVED AND FILED.

C. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED MAY 20, 2005

RECEIVED AND FILED.

E. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED JUNE 3, 2005

RECEIVED AND FILED.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

AUDIENCE ITEMS NOT ON THE AGENDA/WRITTEN AND ORAL COMMUNICATIONS

NONE

NEW BUSINESS

The following item was pulled from the Consent Calendar and considered under New Business:

6D. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED MAY 27, 2005

MAYOR PRO TEM ZUCKERMAN requested a letter opposing SB 435 be sent to the appropriate state representatives.

It was the consensus of the COUNCIL to send this letter.

A. PLANNING COMMISSION MINUTES OF JUNE 6, 2005

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZERUNYAN

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF JUNE 6, 2005.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

B. PARK AND ACTIVITIES COMMISSION MINUTES OF JUNE 7, 2005

COUNCILWOMAN SEAMANS moved, seconded by COUNCILWOMAN MITCHELL

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF JUNE 7, 2005.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

1. PARK AND ACTIVITIES COMMISSION ACTION ITEM FROM MEETING OF JUNE 7, 2005 – AGREEMENT WITH PALOS VERDES PENINSULA LAND CONSERVANCY TO RESTORE GEORGE F CANYON NATURE PRESERVE HABITAT

Recommendation: That the City Council enter into the agreement with the Palos Verdes Peninsula Land Conservancy to manage the George F Canyon Nature Preserve Habitat Restoration Project.

After brief discussion, COUNCILMAN ZERUNYAN moved, seconded by COUNCILWOMAN MITCHELL

TO APPROVE entering into an agreement with the Palos Verdes Peninsula Land Conservancy to manage the George F Canyon Nature Preserve Habitat Restoration Project SUBJECT TO CITY ATTORNEY APPROVAL.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

C. INITIAL PREPARATIONS FOR NOVEMBER GENERAL MUNICIPAL ELECTION

1. RESOLUTION NO. 2073 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 8, 2005 FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO ADOPT RESOLUTION NO. 2073.

City Manager Prichard read Resolution No. 2073 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

2. RESOLUTION NO. 2074 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION OF SAID CITY TO BE HELD ON NOVEMBER 8, 2005 WITH THE 2005 BIENNIAL SCHOOL AND SPECIAL DISTRICT ELECTIONS TO BE HELD ON SAID DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO ADOPT RESOLUTION NO. 2074.

City Manager Prichard read Resolution No. 2074 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

3. RESOLUTION NO. 2075 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO MATERIALS SUBMITTED TO THE ELECTORATE AND THE COSTS THEREOF FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, NOVEMBER 8, 2005.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO ADOPT RESOLUTION NO. 2075.

City Manager Prichard read Resolution No. 2075 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

PUBLIC HEARINGS/MEETINGS

A. PROPOSED PEAFAWL REMOVAL POLICY AND ORDINANCE AMENDMENT

Recommendation: That the City Council: 1) Open the public hearing; 2) Take public testimony; 3) Close the public hearing; 4) Introduce Ordinance No. 631; and 5) Adopt Resolution No. 2072 establishing a peafowl trap and removal program on private property within certain neighborhoods to take effect concurrently with the effect of Ordinance No. 631.

MAYOR PRO TEM ZUCKERMAN suggested increasing the peafowl trap time from four to six hours.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR ADDLEMAN SO ORDERED.

Tim Scott, Montecillo Homeowners' Association, appreciated the COUNCIL'S consideration of this matter. He noted that he strongly supports peafowl management.

Steve Simeral concurred stating he is an animal lover, but the peacocks are a nuisance and wished to see them handled in a humane way.

Dorritt Pearson, 19 Sorrel Lane, inquired if anything can be done in the Dapplegray area as she considers peafowl to also be a nuisance.

MAYOR ADDLEMAN noted that he would be interested in hearing the homeowners' associations' point of view on this issue.

COUNCILMAN ZERUNYAN stated that he is proud to be in a community that has peafowl, but did note that it is changing as it seems to be evenly split down the middle on residents' preferences for these wild birds. He noted that the homeowners' association should consider what is the will of the neighborhood and act accordingly as it is more of a management issue.

City Manager Prichard suggested that the homeowners' associations be contacted to solicit their comments on what the individual neighborhoods desire.

Mr. Simeral noted his concern going through a homeowners' association as they may decide to keep the peafowl population as is while a resident may wish to have them relocated.

MAYOR PRO TEM ZUCKERMAN inquired if a homeowners' association would allow the residents to decide for themselves.

Mr. Simeral then commented that he would want to obtain a permit himself rather than rely on the homeowners' association.

Dorothy Boland, Dapplegray, provided a brief background of when she moved there in the 1950s when there were no peafowl.

Bill Foster, concurred with Ms. Boland's comments as the peacocks are very destructive and insisted that Dapplegray be included in the management program.

City Manager Prichard explained that this proposal addresses those areas where peafowl have not been established which is why Dapplegray and Strawberry were excluded.

Walt Pearson, 19 Sorrel, commented that he agreed with his neighbors and would like to see the peacocks reduced.

COUNCILMAN ZERUNYAN noted that it is very difficult to make decisions without input from the residents. Although he acknowledged that he also has many peacocks on his property, the residents are

divided on this issue and wished to respect everyone's property rights.

MAYOR PRO TEM ZUCKERMAN noted that decisions made by the homeowners' associations have to do with issues for the common good which sometimes must prevail over an individual.

City Manager Prichard noted that a public hearing notice was sent to all homeowners' associations as well as published in the PV News.

COUNCILWOMAN SEAMANS referred to the City of Palos Verdes Estates' dilemma and supported how they are handling this matter, but would like to look into thinning and culling the flocks in the Dapplegray and Strawberry areas. She noted that more information is needed to make a decision.

COUNCILWOMAN MITCHELL noted that this hearing was properly noticed and provided an opportunity for anyone to speak. She noted that she would support peafowl management in Dapplegray and Strawberry, but questioned if the homeowners' association would be obligated to come forward with a request for a permit or should that come from the resident.

After brief discussion, COUNCILWOMAN MITCHELL believed it would be appropriate to allow the resident to obtain a permit on his/her own behalf without requiring their homeowners' association approval in non-established neighborhoods and amend the ordinance to reflect that suggestion.

1. RESOLUTION NO. 2072 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES ESTABLISHING A TRAP AND REMOVAL PROGRAM FOR PEA FOWL ON PRIVATE PROPERTY WITHIN CERTAIN NEIGHBORHOODS OF THE CITY.

MAYOR PRO TEM ZUCKERMAN moved, seconded by COUNCILWOMAN MITCHELL

TO ADOPT RESOLUTION NO. 2072 AS AMENDED.

City Manager Prichard read Resolution No.2072 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

2. ORDINANCE NO. 631 FOR INTRODUCTION AND FIRST READING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING CHAPTER 9.04 CONCERNING OFFENSES AGAINST PUBLIC PEACE AND DECENCY.

COUNCILWOMAN MITCHELL moved, seconded by MAYOR PRO TEM ZUCKERMAN

TO INTRODUCE ORDINANCE NO. 631 FOR FIRST READING AS AMENDED AND CONTINUED THE PUBLIC HEARING TO THE NEXT MEETING.

City Manager Prichard read Ordinance No. 631 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

City Manager Prichard suggested contacting the homeowners' associations and defer that discussion to a future meeting.

NEW BUSINESS (Continued)

9A1. POLICY DISCUSSION FOR INSTITUTIONAL ZONING DEVELOPMENT STANDARDS (LOT COVERAGE, FLOOR AREA RATIO (FAR), AND LANDSCAPING), ALL WITH RESPECT TO PARKING STRUCTURES

Recommendation: That the City Council review the minutes and staff reports of the RHCC Subcommittee and of the Planning Commission and approve the policies with respect to FAR and landscaping. With respect to lot coverage applying to underground parking structures, staff recommends the City Council consider the Planning Commission's request of amending the Code to allow for an exemption and/or a reduction in lot coverage.

Planning Director Wahba provided a staff report (as per agenda material). He noted that a letter was received from the Rolling Hills Covenant Church objecting to lot coverage being counted against parking structures as well as a letter received from RHE Neighborhood Coalition supporting it.

In response to MAYOR ADDLEMAN'S inquiry, Planning Director Wahba noted that most cities do not have a code requirement for parking structures below grade.

City Attorney Pfahler clarified that surface parking is defined in the zoning code as above ground.

Tim Scott, President, Montecillo Homeowners' Association, RHE Coalition Member, read into the record a letter supporting the lot coverage requirement.

David Brunnenmeyer, 11 Encanto, noted that he lives within 200 feet from the proposed site and believed the size and density of the development as well as construction hours should be considered and concurred with Mr. Scott's comments.

COUNCILMAN ZERUNYAN inquired as to what would happen if the parking structure was below the footprint of the building. Planning Director Wahba noted that it would be exempt from lot coverage.

COUNCILMAN ZERUNYAN then stated that going beyond the footprint would be troubling as to control over this type of construction would be difficult for the City.

MAYOR PRO TEM ZUCKERMAN noted that the commercial area does not abut any residences and what may be appropriate in one zone may not be in another. He also stated that underground parking might be encouraged if surface parking has already been utilized. It was his opinion that lot coverage should not be relied upon to control aesthetics and questioned if there is enough confidence in the initial studies and environmental analysis for the City to analyze impacts to a particular project.

COUNCILWOMAN MITCHELL commented that CEQA may not mitigate all the issues or prevent the intensity of a development.

MAYOR PRO TEM ZUCKERMAN stated that there are technologies that can be relied upon to protect the rural environment or rely solely on CEQA.

MAYOR ADDLEMAN noted that this is also a major traffic impact and concurred with COUNCILWOMAN MITCHELL'S comments.

COUNCILWOMAN SEAMANS concurred with the FAR applying to underground garages and suggested reducing the formula to modify the lot coverage attributed to the underground structure.

COUNCILMAN ZERUNYAN noted that he is concerned about the original intent of the General Plan and would like to see more analysis on this issue.

Planning Director Wahba noted that the applicant is looking for direction at this time.

MAYOR PRO TEM ZUCKERMAN moved, seconded by COUNCILWOMAN MITCHELL

TO REQUIRE ANY PARKING STRUCTURE, REGARDLESS OF LOCATION ABOVE OR BELOW GROUND, TO COUNT TOWARDS A SITE'S MAXIMUM FLOOR-TO-AREA (FAR) OF .75:1.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

COUNCILWOMAN MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE ALLOWING LANDSCAPING ON TOP OF A PARKING STRUCTURE TO BE APPLIED TO A SITE'S REQUIRED MINIMUM LANDSCAPING STANDARDS AND RECEIVE AND FILE THE BALANCE OF THE REPORT.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

City Manager Prichard suggested bringing back a report on what is currently being done in residential zones at a future meeting.

D. CITY ATTORNEY AGREEMENT

Recommendation: That the City Council approve the agreement between the City and Bannan, Green, Frank & Terzian LLP for naming Stephen Pfahler as the City Attorney and providing for City Attorney services for fiscal year 2005-06.

City Manager Prichard provided a staff report (as per agenda material).

COUNCILWOMAN MITCHELL moved, seconded by MAYOR PRO TEM ZUCKERMAN

TO approve the agreement between the City and Bannan, Green, Frank & Terzian LLP for naming Stephen Pfahler as the City Attorney and providing for City Attorney services for fiscal year 2005-06.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

E. COMPENSATION/BENEFITS ANALYSIS

Recommendation: That the City Council approve the proposal from Management Partners, Inc., to complete a compensation/benefits analysis for a total cost of \$20,000.

Assistant City Manager Wise provided a staff report (as per agenda material).

COUNCILWOMAN SEAMANS moved, seconded by COUNCILWOMAN MITCHELL

TO approve the proposal from Management Partners, Inc., to complete a compensation/benefits analysis for a total cost of \$20,000.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

OLD BUSINESS

A. STREET RESURFACING BID RESULTS

Recommendation: That the City Council award the contract for the FY 2005-06 Street Resurfacing Project and authorize the appropriate City Officials to execute the agreement at a total cost of \$471,570 to Sully Miller Contracting Company on the condition that the City Council subsequently adopts the annual operating budget for FY 2005-06 with the appropriate level of funding for the project.

Assistant City Manager Wise provided a staff report (as per agenda material).

COUNCILWOMAN MITCHELL requested that language be incorporated into the contract consistent with JPIA requirements.

MAYOR PRO TEM ZUCKERMAN inquired into unanticipated pavement repairs that may be needed in the future. City Manager Prichard noted that staff will investigate further and determine if a budget adjustment would be necessary.

COUNCILWOMAN MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO award the contract for the FY 2005-06 Street Resurfacing Project and authorize the appropriate City Officials to execute the agreement at a total cost of \$471,570 to Sully Miller Contracting Company on the condition that the City Council subsequently adopts the annual operating budget for FY 2005-06 with the appropriate level of funding for the project SUBJECT TO CITY ATTORNEY APPROVAL.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

CITY ATTORNEY ITEMS

NONE

CITY COUNCIL/REGIONAL COMMITTEE REPORTS: This item provides the opportunity for Members of the City Council to provide information and reports to other Members of the City Council and/or the public

on any issues or activities of currently active Council Committees, ad hoc committees, regional or state-wide governmental associations, special districts and/or joint powers authorities and their various committees on which Members of the City Council might serve or have an interest, which are not otherwise agendaized.

NONE

MAYOR AND COUNCIL ITEMS: This item provides the opportunity for Members of the City Council to request information on currently pending projects and/or issues of public concern, direct that an item be agendaized for future consideration and/or make announcements of interest to the public.

A. MAYOR ADDLEMAN reported that he attended the Department of Toxic Substance and Control (DTSC) meeting which presented a five-year review of the Palos Verdes Landfill and believed it to be worthwhile.

B. COUNCILWOMAN SEAMANS noted that a City Ballot Measure Academy, sponsored by the League, is scheduled for Wednesday, June 29 and strongly encouraged the COUNCIL to attend. It was noted that Assistant City Manager Wise will attend.

C. MAYOR PRO TEM ZUCKERMAN reported that the last meeting he attended discussed Vector Control's annual budget.

D. COUNCILWOMAN SEAMANS reported that the Rotary Club joined in cleaning up Crenshaw Boulevard and found the drainage channel to be full of water and debris. MAYOR PRO TEM ZUCKERMAN stated that if standing water is an issue, Vector Control would regularly come out and drain it. City Manager Prichard noted that staff will investigate this further.

At 10:19 p.m., the CITY COUNCIL convened into closed session.

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION

(Pursuant to Government Code Section 54956.9(a))

WALLACE V. CITY OF ROLLING HILLS ESTATES

NO ACTION WAS TAKEN.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code Section 54956.8)

Property: 2518 Palos Verdes Drive North

City Negotiators: City Manager Prichard

Assistant City Attorney Stephen Pfahler

Negotiating Parties: Chris Fitzpatrick

Under Negotiation: Lease

Planning Director Wahba was directed to process the Silver Spur elevation façade improvements and sign plan as soon as possible.

At 10:55 p.m., the COUNCIL reconvened with MAYOR ADDLEMAN, MAYOR PRO TEM ZUCKERMAN,

COUNCILWOMAN MITCHELL, COUNCILWOMAN SEAMANS, and COUNCILMAN ZERUNYAN present.

ADJOURNMENT

At 10:55 p.m., MAYOR ADDLEMAN formally adjourned the City Council meeting to the Operations Analysis Study Session scheduled for Monday, June 20, 2005 at 9:00 a.m.

Submitted by, Approved by,

Hope J. Nolan Douglas R. Prichard

Deputy City Clerk City Clerk

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